

IN THE HIGH COURT OF GUJARAT  
AHMEDABAD

CIVIL REVISION APPLICATION NO.2088 OF 1995

Date of Decision: 23rd January, 1996

For Approval and Signature:

Hon'ble Mr. Justice : S.D. SHAH

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a ..

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question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

Mr. N.P. Nanavaty, Advocate for petitioner  
Mr. M.A. Kharadi, Advocate for respondent

Coram: S.D. SHAH, J.

Date : 23 January, 1996

ORAL JUDGMENT:

1. RULE. Mr. M.A. Kharadi, learned Counsel appearing for the respondent waives service of Rule on behalf of the respondent. With the consent of the learned Advocates appearing for the parties, the matter

is finally heard today.

2. In the suit filed by the plaintiff initially ad interim relief was not granted but only notice was issued. On the returnable date, the defendant appeared and asked for adjournment to file reply and on that date i.e. on 20th September, 1995 the trial court granted order directing the parties to maintain status quo. On the next date on 16th October, 1995, the defendant has filed reply to the application for temporary injunction. Thereafter, it appears that the plaintiff has given various applications for production of documents and/or for discovery of documents. An impression is created in the mind of this Court that such applications were given with a view to delaying the hearing of the application at Exhibit-5. The trial court thereafter rejected the application for extension of status quo. It is the case of the petitioner plaintiff that his advocate was ready and willing to proceed with the hearing of Exhibit-5 application, but, since, the Court was busy with criminal cases, it could not decide the Exhibit-5 application and, therefore, it has by the impugned order, vacated the order directing the parties to maintain status quo. It is in this facts situations that the petitioner has come to this court.

3. Having heard the learned counsel appearing for the parties, in my opinion, the ends of justice will be met, if the following order is passed.

"The trial court is directed to decide Exhibit-5 Application on or before 26th of February, 1996 and while deciding such application at Exhibit-5, it shall not take into consideration the application given for production of documents and/or discovery of documents. The learned Counsel appearing for the petitioner has agreed that he would not press for hearing of such applications till Exhibit-5 is decided. The order of status quo which is granted by the trial court and extended by this Court is extended upto 26th of February, 1996 subject to the aforesaid direction."

4. Writ of this order to be sent down to the trial court forthwith. Direct service of the writ is also permitted. Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

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